

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JULIE DELANEY, et al.,

Plaintiffs,

v.

ELI LILLY AND COMPANY,

Defendant.

CIVIL ACTION No. 05-CV-10241 (MLW)

**NOTICE OF AGREEMENT REGARDING
DEPOSITION OF JOHN J. HEFFERREN, Ph.D.**

Counsel for Plaintiff's Julie and William Delaney ("plaintiffs") and Defendant Eli Lilly and Company ("Lilly"), in accordance with the Court's April 23, 2007 Order (Docket No. 68), hereby state that they have conferred regarding the deposition of John J. Hefferren, Ph.D. and agreed to take his deposition on May 2, 2007 at 10:00 a.m. The parties further agreed that there would be no need to submit supplemental briefing relating to the timing of plaintiffs' disclosure of Dr. Hefferren's testimony in light of *Alves v. Mazda Motor Corp. of Am., Inc.*, 448 F.Supp.2d 285 (D. Mass. 2006). Lilly reserves the right to challenge the admissibility of Dr. Hefferren's testimony under Fed. R. Evid. 702 in a motion *in limine* after completing his deposition.

Respectfully submitted,

JULIE and WILLIAM DELANEY,

ELI LILLY AND COMPANY,

By their attorneys,

By its attorneys,

/s/ Aaron M. Levine (by permission BLH)
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Dated: April 23, 2007